
Ecology & Parks Committee

HB 2470

Brief Description: Clarifying the authority of the department of natural resources to issue lesser contractual agreements within existing authorities for state-owned aquatic lands.

Sponsors: Representatives Upthegrove, Dickerson, Hinkle and VanDeWege; by request of Department of Natural Resources.

Brief Summary of Bill

- Authorizes the Department of Natural Resources to issue aquatic land use authorizations less than a full lease, such as easements, licenses, permits, and rights-of-entry.

Hearing Date: 1/15/08

Staff: Jaclyn Ford (786-7339).

Background:

The Department of Natural Resources (DNR) is authorized to manage and lease aquatic lands [RCW 79.105.010]. Leases must be in conformity with all applicable laws and the state Constitution [RCW 79.105.210].

A July 2006 court decision (*Northlake v. DNR*, 134 Wash.App 272) found that the DNR's leasing authority did not explicitly include lesser use authorizations, such as easements, licenses, permits, and rights-of-entry. Some of the DNR authorization statutes include lease language while others include language for lesser agreement types. The court decided this separation meant that since the lesser agreement types were not included in the section on leasing aquatic lands, they were not authorized. However, the court did state that the DNR has been granted authority to manage state aquatic lands and has authority to issue use permits.

Summary of Bill:

The DNR is given express authority to issue lesser contractual agreements, such as easements, licenses, permits, and rights-of-entry on leased state-owned aquatic lands.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.